

SIXTY-EIGHTH DAY

(Thursday, May 15, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield

Absent—Excused

Hill	Spears
Metcalf	York
Shivers	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Spears was granted leave of absence for today on account of important business, on motion of Senator Graves.

Senator Hill was granted leave of absence for today and tomorrow on account of important business, on motion of Senator Van Zandt.

Senator Shivers was granted leave of absence for today, on account of important business, on motion of Senator Moore.

Senator York was granted leave of absence for today, on account of important business, on motion of Senator Winfield.

Senator Metcalfe was granted leave of absence for today on account of important business, on motion of Senator Lanning.

Message from the House

The Reading Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,
Austin, Texas,
May 15, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 139, Granting House of Representatives permission to suspend the joint rules and take up and consider H. B. No. 228.

S. C. R. No. 60, Authorizing the Enrolling Clerk of the Senate to amend the caption of S. B. No. 437.

The House has passed the following resolution:

H. C. R. No. 140, Asking permission to suspend joint rules and bring up H. B. No. 909 for consideration on Senate Bill Day.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

Senate Resolution 137

Senator Moore offered the following resolution:

Whereas, Judge Kenneth McCalla, a distinguished jurist of Harris County is at the bar of the Senate; now therefore, be it

Resolved by the Senate of Texas, That he be given the privileges of the floor for the day.

By unanimous consent, the resolution was considered immediately and was adopted.

Senate Resolution 138

Senator Isbell offered the following resolution:

Whereas, This Legislature will in all probability expend large sums in the construction and repairs of buildings at most of the eleemosynary and educational institutions; and

Whereas, In view of these large expenditures we think it wise and proper to create a Legislative Advisory Committee to be composed of Members from each House of the Legislature to sit with the Board of Control in the letting of contracts for new buildings and repairs, and that said committee should have full

powers equal with the members of the Board of Control in letting such contracts; now, therefore, be it

Resolved, That we recommend to the Conference Committee on the appropriation for eleemosynary institutions the setting up of such a committee.

The resolution was read.

By unanimous consent, the resolution was considered at this time and was adopted.

House Concurrent Resolution 139

The President laid before the Senate and had read (the resolution having been received from the House today):

H. C. R. No. 139, Authorizing the House to consider H. B. No. 228 on Thursday, May 15, 1941.

By unanimous consent, the resolution was considered and adopted at this time.

House Concurrent Resolution 134

The President laid before the Senate and had read (the resolution having been received from the House on yesterday):

H. C. R. No. 134, Authorizing correction in enrolled copy of H. B. No. 903.

By unanimous consent, the resolution was considered and adopted at this time.

Senate Resolution 139

Senator Moore offered the following resolution:

Be it resolved by the Senate of Texas that:

The Conference Committee on the Departmental Appropriation bill is hereby requested to include in such bill an additional appropriation in the amount of \$50,000 each year for the ensuing biennium for the State Auditor's Department conditioned however that S. B. No. 20, Acts Regular Session Forty-seventh Legislature becomes a law prior to September 1, 1941.

The resolution was read, and by unanimous consent, it was considered immediately and was adopted.

House Concurrent Resolution 132

The President laid before the Senate and had read (the resolution having been received from the House on yesterday):

H. C. R. No. 132, Authorizing correction in enrolled copy of H. B. No. 354.

By unanimous consent, the resolution was considered at this time and was adopted.

House Concurrent Resolution 137

The President laid before the Senate and had read (the resolution having been received from the House on yesterday):

H. C. R. No. 137, Authorizing correction in enrolled copy of H. B. No. 978.

By unanimous consent, the resolution was considered and adopted at this time.

House Concurrent Resolution 140

The President laid before the Senate and had read (the resolution having been received from the House today):

H. C. R. No. 140, Suspending the joint rules for the purpose of allowing the House to consider H. B. No. 909 on Senate Bill Day in the House.

On motion of Senator Van Zandt the resolution was referred to the Committee on State Affairs.

Message from the House

The Reading Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,
Austin, Texas,
May 15, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. No. 21 by a vote of 108 yeas, 0 noes.

The House has refused to concur in Senate amendments to H. J. R. No. 24, and requests the appointment of a Conference Committee to adjust the differences between the two Houses. The following are appointed on the

part of the House: Heflin, Stinson, Ridgeway, McAlister and Simpson.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

Senate Bill 471 on First Reading

Senator Lanning moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield

Absent—Excused

Hill	Spears
Metcalfe	York
Shivers	

The following bill then was introduced, read first time and referred to the Committee on Public Debts, Claims and Accounts:

By Senator Lanning:

S. B. No. 471, A bill to be entitled "An Act making appropriations to pay miscellaneous claims out of the General Revenue Fund, or any other funds against which claims were originally incurred; providing that before payment of any claims shall be paid from the funds hereby appropriated the same shall have the approval of the State Comptroller and the Attorney General; and provided further that any claim involving the refund of a franchise tax shall also carry the approval of the Secretary of State in addition to the other officials herein named; and declaring an emergency."

Bills and Resolution Signed

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills and resolution:

S. B. No. 20, A bill to be entitled "An Act providing a more efficient

fiscal system for the State of Texas; creating a Legislative Audit Committee, and the appointment of a State Auditor by such Legislative Audit Committee; repealing H. B. No. 170, Chapter 91, Acts of the First Called Session of the Forty-first Legislature; providing that the present State Auditor and Efficiency Expert shall continue to discharge the duties of his office under H. B. No. 170 until a State Auditor is selected and qualifies under this Act; providing for the transfer of appropriations and making additional appropriation; providing that the appointment of the State Auditor shall be by and with the consent of two-thirds (2/3) of the members of the Senate; prescribing the qualifications, duties, and authority of said State Auditor and providing for his compensation; providing for the necessary assistants for said State Auditor and fixing their qualifications and compensation; providing for the payment of salaries, travel, and other expense of the office of State Auditor; providing for the removal of State Auditor and his assistants, or any of them, under certain conditions; providing a method of filling any vacancy in the office of State Auditor and vacancies in the personnel of said office; prescribing penalties; and declaring an emergency."

S. B. No. 30, A bill to be entitled "An Act declaring the sovereignty of Texas along its seacoast; fixing its present seacoast boundary and ownership; and declaring an emergency."

S. B. No. 61, A bill to be entitled "An Act to amend Article 5139 of the Revised Civil Statutes of Texas of 1925; providing for the constituting the district judges, judges of the criminal district courts, and county judges of certain counties juvenile boards for such counties; providing salaries for said judges of certain counties as members of said juvenile boards, and the manner of payment of same; repealing all laws in conflict herewith; and declaring an emergency."

S. B. No. 82, A bill to be entitled "An Act to amend Section (d) of Article 4706, Revised Civil Statutes of 1925, as amended by H. B. No. 928, Acts of the Forty-sixth Legislature, Regular Session, page 394; and declaring an emergency."

S. B. No. 294, A bill to be entitled "An Act authorizing cities to issue interest-bearing time warrants for the completion of waterworks extensions

and improvements where the governing body finds that proceeds from sale of bonds are not sufficient for the purpose and that such extensions and improvements must be completed immediately in order to afford adequate fire protection and to protect the public health; providing that such warrants may be issued without the prerequisite of an election or notice of intention to issue warrants; providing that this Act shall prevail in case of conflict with provisions of city charter; providing that no city shall issue warrants under this law to a greater amount than Thirty Thousand (\$30,000.00) Dollars, that such warrants shall bear not more than four (4%) per cent interest and shall mature in not to exceed five (5) years from this date; providing that no warrants shall be authorized to be issued under this law after ninety (90) days from the effective date hereof; enacting other provisions relating to the subject; and declaring an emergency."

S. B. No. 296, A bill to be entitled "An Act creating a Special Road Law for Briscoe County, Texas; authorizing the commissioners' court to issue funding bonds or warrants in lieu of certain scrip warrants and time warrants, and validating such scrip and time warrants; providing the method of issuing the same; making it the duty of the commissioners' court to levy a tax sufficient to pay principal and interest as they mature and accrue; making the General Laws pertaining to roads and bridges applicable to Briscoe County, Texas, and providing that the provisions of this Act shall be effective in case of conflict with any General or Special Law; providing that if any portion of this Act shall be held invalid, such holding shall not affect the other portions thereof; enacting other provisions relating to the subject; and declaring an emergency."

S. B. No. 335, A bill to be entitled "An Act appropriating from the Unemployment Compensation Fund the sum of Two Thousand Six Hundred Sixty-seven and 64/100 (\$2,667.64) Dollars to be paid to the Wiergate Naval Stores, Inc., Wiergate, Texas, as a refund of unemployment compensation taxes erroneously collected by the Texas Unemployment Compensation Commission of and from said Wiergate Naval Stores, Inc., during

the years 1936, 1937, 1938, and 1939; and declaring an emergency."

S. B. No. 421, A bill to be entitled "An Act amending Article 5139 of the Revised Civil Statutes of Texas, 1925, by adding a new Article to be known as Article 5139-B; providing for the establishment of a juvenile board in counties having a population of not less than seventy-four thousand (74,000) inhabitants and not more than eighty-three thousand (83,000) inhabitants, according to the last preceding Federal Census; providing for the compensation of the members of said boards; repealing all laws and parts of laws in conflict with this Act; and declaring an emergency."

S. B. No. 427, A bill to be entitled "An Act defining the jurisdiction of the County Court of Navarro County and diminishing its civil jurisdiction; providing that the District Court of Navarro County shall have jurisdiction in all civil matters over which by law the county court would have original jurisdiction; providing for the transfer of certain civil causes from the County Court to the District Court of Navarro County; providing the Act shall not affect judgments heretofore rendered by said county court in causes now transferred to the district court of said county; providing for the repeal of all laws in conflict therewith."

S. B. No. 441, A bill to be entitled "An Act providing for a closed season on wild deer and wild turkey in Burleson County for a period of five (5) years; prescribing penalties for the violation of this Act; repealing all laws in conflict; and declaring an emergency."

S. B. No. 445, A bill to be entitled "An Act to define certain means and methods of taking certain fish in the fresh waters of Hamilton County, Texas; providing it shall be lawful at any time of the year under certain conditions to use set nets of not less than one and one-half (1½) inch square mesh for the purpose of taking certain fish; declaring it unlawful to use drag seines or drag nets at any time in Hamilton County, provided, however, that nothing in this Act shall forbid the use of a minnow seine not more than twenty (20) feet in length for the purpose of taking minnows for bait; declaring it unlawful to take fish in Ham-

ilton County by gigging, roping, snaring, grappling with the hands or by the use of grab hooks or fish traps of any kind; permitting the taking of catfish and perch in said county at any time of the year by use of certain devices; providing a 10-inch length limit for catfish in said county; forbidding the sale, the offering for sale, possession for the purpose of sale, or the purchase of any catfish taken from the waters of Hamilton County; declaring it unlawful to sell or take for the purpose of sale any minnows from the waters of Hamilton County, and forbidding the transportation from said county of more than one hundred twenty-five (125) minnows by any person for whatever purpose; providing a penalty for the violation of this Act; repealing certain laws in conflict with this Act and all other laws or parts of laws in conflict with the provisions of this Act; and declaring an emergency."

S. B. No. 449, A bill to be entitled "An Act providing, in counties having a population of more than five hundred thousand (500,000), for the extension for not to exceed thirty (30) days after the expiration of the term, of the period during which a grand jury may sit to conclude its investigation; and declaring an emergency."

S. B. No. 454, A bill to be entitled "An Act extending oil and gas mineral leases granted by the State on areas covered by the coastal waters of the State or within the Gulf of Mexico in cases in which the War Department refuses to grant permits to the lessee or owner of the lease to drill thereon, providing for annual applications by the lessee to the War Department for permits, providing for the payment of rentals during the extended term of the lease, providing that if a permit is granted during the extended term of the lease the lease will continue in force thereafter if the lessee commences operations within sixty (60) days after obtaining a permit and so long as the lessee shall continue drilling operations, or if oil is discovered so long as oil, gas or other mineral is produced, providing that the lease may be continued by operations if commenced within thirty (30) days after the cessation of production during the primary term, authorizing the commissioner of the general land of-

fice to issue to the lessee such instrument in writing in the nature of an extension of the lease as may be necessary or proper to carry into effect the provisions of this Act, repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

S. B. No. 461, A bill to be entitled "An Act to permit John R. Howe and wife, Emma Howe of Hays County, Texas, to sue, and join the State of Texas and Texas Highway Commission in a suit against Hays County, the State of Texas and Highway Commission for damages incident to condemnation proceedings had in cause No. 1409 in the County Court of Hays County, Texas, styled State of Texas vs. John R. Howe and wife, Emma Howe; fixing the time within which the same may be brought; fixing the venue thereof in Hays County, Texas; providing that any judgment recovered against the State and Highway Commission or either thereof, shall be paid out of State Highway Funds; providing for service of citation; for appeal without bond; and declaring an emergency."

H. B. No. 391, A bill to be entitled "An Act amending Chapter 100 of the Acts of the Forty-fourth Legislature, Regular Session, by adding thereto a Section to be known as Section 33-A; providing that every sale or contract of sale of any security in violation of any provisions of Chapter 100 shall be voidable at the election of the purchaser; providing how the purchaser may recover at law, the time that such actions may be brought; and providing an exemption when the purchase price is a royalty or a mineral interest in land and such security is sold through an unregistered agent; providing the time when any existing cause of action not now barred may be brought; and by adding thereto a Section to be known as Section 33-B, providing that no action shall be brought in any court for the recovery of any commission or compensation for the sale or purchase of securities unless plaintiff in such action shall prove that he is a licensed dealer or salesman under the provisions of this Act and that such securities were registered under the provisions of this Act, and providing certain exceptions thereto; and declaring an emergency."

H. B. No. 902, A bill to be entitled "An Act amending Section 17a of Chapter 280, Acts of the Regular Session of the Forty-first Legislature, amending Chapter 25, Acts of the Regular Session of the Thirty-ninth Legislature; providing that water control and improvement districts may purchase, own and operate fire engines, etc.; and declaring an emergency."

S. B. No. 184, A bill to be entitled "An Act providing for the appointment of an official court reporter in and for each District Court, Criminal District Court, and County Court-at-Law of Bexar County; providing the qualifications; providing for the salary of each of said official court reporters and for the manner of payment of said salary, and out of what fund; providing for transcript fees; declaring this Act to be a special Act, notices thereof having been duly published and exhibited as required by law; and declaring an emergency."

S. B. No. 465, A bill to be entitled "An Act making an appropriation of One Thousand Six Hundred (\$1,600.00) Dollars, or so much thereof as may be necessary, to pay a certain judgment rendered on June 19, 1939, in the District Court of Gonzales County, Texas, in Cause No. 8892, wherein O. I. Littlefield is plaintiff to whom prior permission had been granted to bring such suit, and the State of Texas and the State Highway Commission of Texas are defendants, for the principal sum of Nine Hundred Ninety-five and 70/100 (\$995.70) Dollars, etc.; and declaring an emergency."

H. B. No. 193, A bill to be entitled "An Act defining publication, newspaper, political sub-division, district and certain mandatory expressions; designating persons to select newspapers in which publications are to be inserted; fixing a legal rate for publications in newspapers; providing for the publication of notices, proclamations, advertising, and citations in newspapers; repealing certain conflicting provisions, etc.; and declaring an emergency."

H. B. No. 753, A bill to be entitled "An Act to amend Section 19, Chapter 482, General and Special Laws of the Forty-fourth Legislature, Third Called Session, as amended by Section 7 Chapter 67, General and Special Laws, Forty-fifth Legislature, Regu-

lar Session, as amended by Section 10, Chapter 2, Title 'Labor,' General Laws of the Forty-sixth Legislature, Regular Session, defining certain terms and phrases used in the Unemployment Compensation Law providing for certain exemptions from such definitions, providing for the effective date of the law, providing for a savings clause and interest which have accrued; and declaring an emergency."

H. B. No. 900, A bill to be entitled "An Act to amend S. B. No. 220, Chapter 354, Acts of the Regular Session of the Forty-second Legislature, by adding a new Section thereto, so as to authorize expenses in the investigation of crime and an allowance of four (4c) cents a mile for each mile traveled, to the criminal district attorneys operating under such Act, etc.; and declaring an emergency."

S. C. R. No. 57, Recalling H. B. No. 922 from the House.

House Concurrent Resolution 114

On motion of Senator Lovelady and by unanimous consent, the regular order of business was suspended, to permit consideration of H. C. R. No. 114 at this time.

The President laid before the Senate for consideration at this time:

H. C. R. No. 114, Requesting the State Board of Control to investigate the matter of using paper manufactured from cotton which is purchased for State use.

The resolution was read and was adopted.

Reports of Standing Committees

Senator Lanning, by unanimous consent, submitted at this time the following report:

Committee Room,
Austin, Texas,
May 15, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, the Committee on Public Debts, Claims and Accounts, to whom was referred

S. B. No. 471, A bill to be entitled "An Act making appropriations to pay miscellaneous claims out of the General Revenue Fund, or any other funds against which claims were originally incurred; providing that before payment of any claims shall be paid from the funds hereby appropriated

the same shall have the approval of the State Comptroller and the Attorney General; and provided further that any claim involving the refund of a franchise tax shall also carry the approval of the Secretary of State in addition to the other officials herein named; and declaring an emergency."

Have had the same under consideration and we wish to report it back to the Senate with the recommendation that it do pass and be not printed.

LANNING, Chairman.

Senator Beck, by unanimous consent, submitted at this time the following report:

Austin, Texas,
May 15, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 1, Proposing an amendment to Article III of the Constitution of the State of Texas, by adding a new Section thereto to be known as Section 49-a requiring all bills passed by the Legislature on and after January 1, 1945, appropriating money for any purpose to be sent to the Comptroller of Public Accounts, and fixing the duties of the Comptroller with reference thereto; and fixing the duties of the Speaker of the House of Representatives upon the return of any such bill to such Speaker by the Comptroller; and fixing the status of any such appropriation bill when so returned; and fixing the duties of the Governor with reference to all appropriation bills; and requiring the State Treasurer on or after January 1, 1945, to submit to the Comptroller of Public Accounts daily report showing condition of all State funds; and regulating the issuance of warrants by the Comptroller; and providing for the submission of this amendment to the voters as required by the Constitution, and making an appropriation therefor.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BECK, Chairman.

(President Pro Tempore Cotten in the Chair)

House Concurrent Resolution 91

On motion of Senator Brownlee and by unanimous consent, the regular order of business was suspended, to permit consideration of H. C. R. No. 91 at this time.

The President Pro Tempore laid before the Senate for consideration at this time:

H. C. R. No. 91, Authorizing Board of Control to execute certain easement to City of Austin.

The resolution was read and was adopted.

House Concurrent Resolution 106

On motion of Senator Brownlee and by unanimous consent, the regular order of business was suspended, to permit consideration of H. C. R. No. 106 at this time.

The President Pro Tempore laid before the Senate for consideration at this time:

H. C. R. No. 106, Authorizing granting of easement by the State to City of Austin.

The resolution was read and was adopted.

House Concurrent Resolution 131

The President Pro Tempore laid before the Senate and had read:

H. C. R. No. 131, Authorizing W. F. Howell and wife to sue the State.

On motion of Senator Aikin, and by unanimous consent, the resolution was considered at this time.

Senator Aikin offered the following amendment to the resolution:

Amend H. C. R. No. 131 by adding the following at end of resolving clause:

"However, it is to be understood that the purpose of this resolution is to grant permission to said W. F. Howell and wife to bring suit against the State of Texas, and no admission of liability of the State of Texas is made by this resolution, and the facts as set out herein must be proved in court."

The amendment was adopted.

The resolution as amended was adopted.

Signing of Bill and Resolution

The President Pro Tempore signed in the presence of the Senate, after their captions had been read, the following enrolled bill and resolution:

S. B. No. 437, A bill to be entitled "An Act amending Section 1, Chapter 35, Acts of the Special Laws of the Thirty-third Legislature, same being S. B. No. 253; and amending Section 1, Chapter 136, Acts of the Special Laws of the Forty-second Legislature, the same being S. B. No. 570; which Act amended Section 4, Chapter 35, Acts of Thirty-third Legislature relating to the Clifton Independent School District; and validating the acts of the board of trustees; and declaring an emergency."

S. C. R. No. 60, Authorizing amendment to caption of S. B. No. 437.

House Joint Resolution 2 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. J. R. No. 2, Proposing an amendment to Section 9 of Article 8 of the Constitution of the State of Texas, by providing that counties may levy, assess and collect such taxes as may be authorized by law, but not to exceed eighty (\$.80) cents on the One Hundred (\$100.00) Dollars valuation in any one year; providing such limitation shall not apply to payment of county debts incurred prior to January 1, 1941; providing that, except as otherwise provided in the Constitution, no county shall hereafter become indebted for any purpose to an amount, including existing indebtedness, payable from taxes authorized by said Section, in the aggregate exceeding five (5%) per centum on the value of taxable property therein, to be ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness; providing that this Section shall not be construed as a limitation on powers delegated to counties by any other Section of this Constitution; fixing the time for the election for the adoption or rejection of said proposed constitutional amendment; making certain provisions for said election and ballots thereof, and the method thereof; directing the issuance of proclamation therefor; prescribing certain duties of the Governor of the State of Texas; and making

an appropriation to defray the expenses of said election.

The resolution was read second time.

Senator Moffett offered the following amendment to the resolution:

Amend H. J. R. No. 2 by striking out all of said resolution following line 42, page 1, printed copy, and insert in lieu thereof the following:

"Preamble

Whereas, It is a well recognized fact that in addition to any aid which may be rendered or granted by the Federal Government, there will always be a need for the people to provide some local aid (in fact, the Federal Government usually requires it) to those who due to no fault of their own, are in a destitute condition, and to provide hospital and medical care for such people, as well as to cooperate with the Federal Government in plans and efforts to provide work relief for the unemployed, and direct relief in some instances, etc.; and

Whereas, Experience has proven that if this is to be accomplished through a wise expenditure of tax funds, it is absolutely essential that at least a partial control of the raising and spending of this money be vested in the local communities wherein the needs of such aid and services arise; and

Whereas, It is also well known that the expenditure of money for these purposes, while vitally necessary in meritorious and deserving cases, is subject to abuses; and, therefore, it is wise and proper that the responsibility for levying the local taxes to pay for these services be a matter of direct concern to the said local communities; and

Whereas, It has been established by years of experience that the people should have the opportunity at periodic intervals to pass judgment on whether or not the continuation of such services is necessary; and

Whereas, It is the duty of the Legislature to provide means by which the citizenship collectively may render aid to people who are actually unemployed, who are in a destitute condition, or who are in impaired health, and do this with judicious expenditure of the taxpayer's money; and

Whereas, These purposes cannot be accomplished other than by au-

thorizing the counties to assume the responsibility for providing a part of these services, and at the same time, providing the said counties with the authority for levying the necessary taxes with which to carry out their part of the desired objective; now,

Therefore, In order to provide an orderly method of caring for problems of general relief for the destitute, indigent, and unfortunate of this State:

Be it resolved by the Legislature of the State of Texas:

Section 1. That Article VIII of the Constitution of the State of Texas be amended by adding thereto immediately after Section 9 of said Article VIII, two new Sections to be known as Section 9-a, and Section 9-b, respectively, which shall read as follows:

'Sec. 9-a. From and after January 1, 1943, the ad valorem tax levied or assessed for the General Fund of the State shall never exceed twenty (20) cents on each One Hundred Dollars valuation of property, and from and after the aforementioned date this limitation of twenty (\$.20) cents shall apply in lieu of the limitation of thirty-five cents on each One Hundred Dollars of property valuation, that is established and set up in Section 9 of Article VIII of this Constitution; provided, however, that in those counties, or subdivisions of counties, wherein the Legislature has heretofore remitted, granted, or donated, for a stated period of time, a part or all of the taxes levied for the General Fund of the State, and wherein at the same time the said remission, grant, or donation has been in such an amount as to exceed a levy of twenty (\$.20) cents on the One Hundred Dollars valuation of property each year, then said remission, grant, or donation shall remain undisturbed, and the limitation of the rate for the State's General Fund established in the first part of this Section shall not become operative against or modify any such remission, grant, or donation, but upon the termination of any such remission, grant, or donation, then the limitation of twenty cents (\$.20) established herein shall become operative; and provided further, that in those counties, or political subdivisions, wherein the remission, grant, or do-

nation of taxes by the Legislature has been in such an amount as does not exceed a levy of twenty (\$.20) cents on each One Hundred Dollars property valuation each year, that the limitation of (\$.20) cents on each One Hundred Dollars property valuation established in the first part of this Section, shall become operative from and after January 1, 1943, but it is provided that said remission, grant, or donation to such counties, or political subdivisions, shall remain in full force and effect, until the date of its termination, and shall not be disturbed by the incorporation of this Section into the Constitution.

'Sec. 9-b. From and after January 1, 1943, the commissioners' court of any county, upon presentation to it of a petition signed by not less than ten per cent of the qualified property tax paying voters of such county, shall submit to the property tax paying electors of such county the question of whether or not a tax, at such rate as the court may deem necessary, but not to exceed fifteen (\$.15) cents on each One Hundred Dollars valuation on the property situated in such county, shall be levied for the purposes hereinafter set forth. No tax shall be levied unless a majority of the qualified property tax paying voters, voting at any such election shall cast their ballots in favor of such tax levy at the rate submitted by said court. In case a tax is levied by the commissioners' court under and in conformity with the provisions hereof, such levy shall be authorized annually for a period of not to exceed four years from and after such election; provided, however, that such tax, not to exceed fifteen (\$.15) cents on each One Hundred Dollars valuation, may from time to time be again voted for periods of four years in the same manner, and subject to the same limitations governing the original tax levy. The Legislature may pass laws governing the holding of elections authorized herein, and concerning the eligibility of beneficiaries of the aid and assistance herein provided. Any funds received under the provisions of this Section may be used for providing assistance to indigent and destitute people, who are residents of the county, in such manner as the commissioners' court may direct, and such assistance may include direct

relief, work relief, and hospitalization; and such funds may be used for the purpose of providing for, and maintaining and operating, hospitals and like institutions for the care of such people. Nothing herein shall be construed as preventing the Legislature from providing funds pursuant to the provisions of Sections 48a, 51, 51b, 51c, and 51d of Article III of the Constitution of this State.

'No county shall in rendering the aid or assistance provided for herein expend any sum of money which it has not collected; provided, however, that any county may receive, disburse, and expend any aid which it may derive or receive from, or in cooperation with the Federal Government, or any city, or any private trust or foundation, or any charitable organization duly chartered by a State or Federal law. No county shall create a deficit for any such purpose, nor shall any current or future revenue to be derived from said tax be pledged, either by issuing bonds, or warrants, or other obligations.'

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this State at the next general election to be held on the first Tuesday after the first Monday in November, 1942, being November 3, 1942, at which election all voters favoring said proposed amendment shall write or have printed on their ballots the words:

'For the amendment to the Constitution of the State of Texas authorizing counties to grant aid and assistance to destitute and indigent persons, in certain instances, and to provide funds therefor, and reducing the ad valorem tax levy for the State's General Fund.'

Those opposing said proposed amendment, shall write or have printed on their ballots, the words:

'Against the amendment to the Constitution of the State of Texas authorizing counties to grant aid and assistance to destitute and indigent persons, in certain instances, and to provide funds therefor, and reducing the ad valorem tax levy for the State's General Fund.'

Sec. 3. The Governor of the State of Texas is hereby directed to issue the necessary proclamation for said election and to have same published

as required by the Constitution for all amendments thereto.

Sec. 4. The sum of Eight Thousand (\$8,000.00) Dollars or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury of the State of Texas, not otherwise appropriated, to pay the expenses of such publication and election."

Senator Van Zandt raised a point of order against consideration of the amendment on the ground that it is not germane to the original purposes of the resolution.

The President Pro Tempore overruled the point of order.

Question—Shall the amendment by Senator Moffett be adopted?

House Joint Resolution 1

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended, to permit consideration of H. J. R. No. 1 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. J. R. No. 1, Proposing an amendment to Article 3 of the Constitution of Texas, requiring appropriation bills passed by the Legislature to be presented and certified by the Comptroller of Public Accounts as to available funds for payment thereof, etc.

The resolution was read second time.

The resolution was passed to third reading by the following vote:

Yeas—26

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Ishell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield

Absent—Excused

Hill	Spears
Metcalfe	York
Shivers	

Senator Aikin moved that the Senate rule requiring joint resolutions to take the course of a bill be suspended and that the resolution be declared adopted by the Senate.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield

Absent—Excused

Hill	Spears
Metcalf	York
Shivers	

Reports of Standing Committees

Senator Ramsey, by unanimous consent, submitted at this time the following reports:

Austin, Texas,
May 14, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 537, A bill to be entitled "An Act amending Article 779 of the Revised Civil Statutes of Texas, 1925, so as to authorize the commissioners' court to invest sinking funds in war-savings certificates, certificates of indebtedness issued by the Secretary of the Treasury of the United States, and in bonds of any school district, road district, or any incorporated city or town, in addition to the investments heretofore authorized by such Article; repealing all laws in conflict; and declaring an emergency."

Have had the same under consideration, and we desire to report it back to the Senate with the recommendation that it do pass and be printed.

RAMSEY, Chairman.

Austin, Texas,
May 15, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 732, A bill to be entitled "An Act to permit the county board of school trustees in counties having a population of thirty-seven thousand, two hundred and fifty (37,250) to thirty-eight thousand, three hundred and fifty (38,350) according to the last preceding Federal Census and a scholastic population of at least eight thousand, five hundred (8,500) as shown by the last scholastic report for the preceding school year to employ a rural school supervisor or supervisors to plan, outline, and supervise the work of the primary and intermediate grades of the rural schools of the counties; fixing the qualifications, the duties, and the salary of such supervisor or supervisors; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Austin, Texas,
May 15, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 418, A bill to be entitled "An Act providing that in counties having a population of fifty thousand nine hundred and fifty (50,950) to fifty-one thousand one hundred (51,100), inclusive, according to the last preceding Federal Census, the commissioners' court shall annually set aside from all other county funds the road and bridge fund, which fund shall be budgeted into three (3) equal amounts and providing that the expenditures from said fund for any four month period of the fiscal year may not exceed one-third of the total annual budget; providing that nothing in this Act shall be construed as repealing or affecting the Uniform Budget Law, County Budgets, being Sections 10, 11, 12 and 13 of H. B. No. 768, Acts of 1931, Forty-second

Legislature, page 339, Chapter 206; and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

RAMSEY, Chairman.

Senator Beck, by unanimous consent, submitted at this time the following reports:

Austin, Texas,
May 15, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 4, Proposing an amendment to the Constitution of the State of Texas regulating the eligibility of civil officers and employees of this State as candidates for nomination for, or election to, an elective office of honor, trust, or emolument.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with attached committee amendment and be printed.

BECK, Chairman.

Austin, Texas,
May 15, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 21, Proposing an amendment to the Constitution of the State of Texas authorizing the Legislature to appropriate Seventy-five Thousand (\$75,000.00) Dollars or so much thereof as may be necessary to pay claims incurred by John Tarleton Agricultural College for the construction of a building on the campus of such college pursuant to deficiency authorization by the Governor of Texas on August 31, 1937.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BECK, Chairman.

Senator Moffett, by unanimous consent, submitted at this time the following report:

Austin, Texas,
May 8, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

H. B. No. 285, A bill to be entitled "An Act amending Section 9, Chapter 15, General Laws, Forty-first Legislature, Second Called Session, to provide that any person violating any of the provisions of this Act may be prosecuted therefor in any county of this State where such violation occurs; and declaring an emergency."

Have had the same under consideration, and we desire to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Senator Moore, by unanimous consent, submitted at this time the following report:

Senate Committee Room,
Austin, Texas,
May 15, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 58, Granting permission to Mrs. Mary Lou Kirk to bring suit against the State of Texas.

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Recess

On motion of Senator Fain, the Senate, at 12:05 o'clock p. m., took recess until 2:30 o'clock p. m. today.

Afternoon Session

The Senate met at 2:30 o'clock p. m. and was called to order by the President Pro Tempore.

Leave of Absence Granted

Senator Smith was granted leave of absence for the remainder of this week on account of important business, on motion of Senator Brownlee.

Message from the House

The Chief Clerk of the House presented the following message:

Hall of the House of Representatives,
Austin, Texas,
May 15, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed H. B. No. 567 notwithstanding the veto of the Governor by a vote of 102 ayes, 32 noes.

The House has passed the following bills and resolutions:

H. B. No. 999, A bill to be entitled "An Act declaring it unlawful for any person to kill, take, or have in his possession for purpose of sale in Nacogdoches County any wild fox or the pelts thereof; providing that this law shall be enforced for a period of two (2) years; prescribing a penalty for the violation of this Act; and repealing all laws in conflict; and declaring an emergency."

H. B. No. 1000, A bill to be entitled "An Act authorizing independent school districts and cities which have assumed the control of public schools situated therein, in any county having a population of not less than twenty-one thousand, five hundred ninety (21,590) and not more than twenty-one thousand, six hundred twenty (21,620) according to the last preceding Federal Census, to build or purchase buildings and grounds located within or without the district or city, for the purpose of constructing gymnasias, stadia, or other recreational facilities and to mortgage and encumber the same, and the income thereof, and to evidence the obligation therefor by the issuance of bonds to secure the payment of funds to purchase or construct or to purchase and construct the same; providing that the purchaser shall have a franchise to operate same in case of foreclosure; providing that no such obligation shall ever be a debt of any such school district or city; but solely a charge upon the property so encumbered; providing that no election for the issuance of such bonds shall be necessary; providing that such project shall be deemed self-liquidating in character; providing that the cost of maintaining and operating the project shall be a first charge against the revenues of the project; providing that

such bonds shall be payable from the net revenues of the project, together with all future extensions or additions thereto, or replacements thereof; providing for the payment of said bonds; providing that the holder of said bonds shall never have the right to demand payment thereof out of any funds raised or to be raised by taxation; providing that said bonds shall be approved by the Attorney General and registered by the State Comptroller; providing that no bonds authorized shall be issued or executed after the expiration of two (2) years from the effective date of this Act; providing that no land upon which is situated school improvements shall be subject to the indebtedness created hereunder; validating acts heretofore performed by school districts; enacting provisions incident and relating to the subject and purpose of this Act; and providing further for the issuance of revenue bonds by independent school districts and cities which have assumed the control of the public schools situated therein, for the purpose of building additions to existing gymnasias, stadia and other recreational facilities owned by the same, and purchasing additional buildings and grounds for the purpose of constructing additions to existing gymnasias, stadia and other recreational facilities; providing that any bonds issued shall be payable from the net revenues of the projects after payment of the operating and maintenance charges; and declaring an emergency."

H. B. No. 1001, A bill to be entitled "An Act authorizing independent school districts in counties having a population of not less than one hundred and three thousand (103,000) and not more than one hundred and nine thousand (109,000) according to the last preceding Federal Census, to levy and collect additional maintenance taxes; providing for elections to authorize such tax levies; and declaring an emergency."

H. B. No. 1003, A bill to be entitled "An Act amending Article 8221 of the Revised Civil Statutes of Texas of 1925 so as to provide that in any county with not less than one hundred thirty-five thousand (135,000) population and not more than one hundred ninety thousand (190,000) population, according to the last Federal Census, the county treasurer for acting as treasurer of a navigation district, shall

receive from such district as compensation for his services, a salary of Fifty (\$50.00) Dollars per month, and the premium on the official bond of the county treasurer shall be paid by the said navigation and canal commissioners; and declaring an emergency."

H. B. No. 1004, A bill to be entitled "An Act providing in all counties having a population of not less than twenty-nine thousand, two hundred and forty (29,240) and not more than twenty-nine thousand, two hundred and fifty (29,250), according to the last preceding, or any future, United States Federal Census, there shall be imposed upon all male persons who do not reside in an incorporated city, town or village, the duties of working five (5) days of eight (8) hours efficient service on public roads each year, or the payment on or before May first of each year the sum of Three (\$3.00) Dollars; providing for the summoning of persons in said counties for work on the public roads, said summons when issued shall compel the persons to be given notice one (1) full day before they are to report after summons for road duty; fixing age bracket for persons to be summoned; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 1007, A bill to be entitled "An Act making it unlawful to kill quail in Roberts County, Texas; providing the Act shall be in force for a period of five (5) years; repealing all laws in conflict; providing a penalty for the violation of this Act; and declaring an emergency."

H. B. No. 1008, A bill to be entitled "An Act relating to the payment to the county judges in counties of not less than seven thousand and fifty (7,050) and not more than seven thousand and seventy-five (7,075) population, according to the last preceding Federal Census, a compensation for the services of such county judges as budget officers of the counties; providing for the payment of such compensation out of the general fund and/or officers' salary fund of such counties in addition to any and all compensation now provided by law to be paid such county judges; repealing all laws or parts of laws, special and general, in conflict or inconsistent with the provisions of this Act; providing effective date of this Act; and declaring an emergency."

H. B. No. 1010, A bill to be entitled "An Act amending Section 1 of H. B. No. 313, Acts of the Regular Session, Fortieth Legislature, 1927, to change and prescribe the time for holding the terms of district courts in the 47th judicial district; and providing for an emergency."

H. B. No. 1012, A bill to be entitled "An Act authorizing the commissioners' court of any county having a population of one hundred thousand (100,000) inhabitants, or more, according to the last preceding Federal census, to issue bonds for the purpose of refunding any and all outstanding indebtedness of such county chargeable against the General Fund which existed on April 30, 1941; providing that items of indebtedness as of said date, in the form of scrip or time-warrants, either or both, may be included in such refunding bond issue; providing that such refunding bonds shall be first authorized by a majority vote cast by the duly qualified property taxpaying voters voting at an election held for that purpose; authorizing the levy of a tax to pay principal and interest on such bonds, and providing that the amount of bonds issued under this Act shall never reach an amount where a tax of five cents (5c) on the One Hundred Dollars' valuation will not pay current interest and provide a sinking fund sufficient to redeem them at maturity; providing that the General Laws relative to county refunding bonds, not in conflict herewith, shall apply to the issuance, approval and certification, and registration of the bonds provided for in this Act; providing that if any Section, clause or phrase of this Act be held unconstitutional, such decision shall not affect the remaining portion of this Act; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency."

H. B. No. 1013, A bill to be entitled "An Act to create the Liberty County Conservation and Reclamation District under the authority of Section 59 of Article 16 of the Constitution of Texas, for the purposes authorized by such Section of the Constitution, including the control of the flood and storm waters of the Trinity river and other streams and tributaries to prevent recurring floods and destruction of life and property; providing for a

name of the district and this Act; providing for directors, organization and other officers, and for the operation of the district, the authority and duty of the officers and employees, and of the district; granting certain rights, privileges, and functions to the district and duties of certain county, district and State officials in connection therewith; providing the method of securing funds and paying indebtedness; providing that no bonds shall be sold or taxes levied unless approved by a majority vote of the qualified property tax-paying voters of the district and the proposition adopted; providing the manner in which bonds may be voted, issued, sold and used; declaring floods in Liberty County to be a public calamity; donating and granting by the State to the district one-half ($\frac{1}{2}$) of the State ad valorem taxes collected in Liberty County for general revenue purposes, provided all other counties in Texas are granted a similar tax donation by S. B. No. 5 of the Forty-seventh Regular Session of the Texas Legislature; providing the uses to which such taxes may be put and reports to be made and manner of collection and payment; providing that if any provision of this Act shall be held invalid, the other provisions shall not be affected; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 1014, A bill to be entitled "An Act to validate all ad valorem tax levies heretofore made by certain cities and towns in the State of Texas, which levies are unenforceable because of the failure of the governing bodies in such respective cities and towns to make such levies by ordinance, or other procedural defect in levying and assessing taxes; and declaring an emergency."

H. B. No. 1015, A bill to be entitled "An Act making it unlawful to hunt, kill, or pursue any wild deer, turkey, or antelope in Collingsworth County, Texas; and declaring an emergency."

H. B. No. 1016, A bill to be entitled "An Act to amend Sections 1, 5, 6, 7, and 8 of S. B. No. 47, Acts Forty-fifth Legislature, Regular Session, carrying into effect Section 46a of Article III of the Constitution of the State of Texas which established a Teacher Retirement System of Texas; by defining words and phrases used in the Act; providing

for the creation, management and distribution of the Teacher Savings Fund, the State Membership Accumulation Fund, the Membership Annuity Reserve Fund, the Interest Fund, the Permanent Retirement Fund, the Expense Fund, and the Prior Service Annuity Reserve Fund of said system; providing for retirement of members and the method and manner of computing and paying retirement benefits and return of contributions; providing the method of financing said system; and declaring an emergency."

H. B. No. 1018, A bill to be entitled "An Act applying only to independent school districts in counties having a population of not less than one thousand, eight hundred forty-three (1,843) and not more than one thousand, nine hundred forty-three (1,943) according to the last preceding Federal census; authorizing said school districts to fund into time warrants all outstanding obligations of said school districts which existed on May 10, 1941; prescribing the terms and conditions of issuance of said time warrants; authorizing said school districts to borrow money in a sum not to exceed Fourteen Thousand (\$14,000.00) Dollars with which to pay certain outstanding obligations; providing for the levying of a tax to pay the same and fixing the rate of interest thereon; prescribing the terms and conditions of said time warrants; and declaring an emergency."

H. B. No. 1020, A bill to be entitled "An Act creating a Firemen's Relief and Retirement Fund in cities having a population of 280,000 or more, according to the preceding or any future Federal Census; creating a board to administer such fund; providing that the mayor and city treasurer or city secretary, together with three (3) members of the fire department to be selected by a vote of the members of such department, shall compose the board; providing the mayor shall be the chairman of said board and enacting other provisions with reference to the organization and duties of said Board; providing for the segregation of a proportionate part of accumulated funds now in a general pension fund to the firemen's relief and retirement fund; providing for the appropriation of not less than three (3) per centum of the annual fire department pay

roll annually to be deposited to this fund; authorizing the acceptance of contributions to said fund and for the deposit of earnings on any investment of said fund; providing for retirement of certain persons who have served actively in organized fire departments in cities coming within the provisions of this Act and for the payment of pensions to such persons based on average monthly salary of such persons being retired for the five-year period preceding their retirement; including persons heretofore issued certificates of retirement within the provisions of this Act; providing for the retirement of active firemen who become physically or mentally disabled while in the performance of duty, in the discretion of the Board, after the filing of a certificate of such disability signed and sworn to by such disabled person and/or the city physician; providing for restoration of service after such disability shall cease; providing for filing of statement under oath by each person desiring to participate in benefits from such fund; authorizing the deduction of not less than one, nor more than three (3) per centum from his salary; providing that failure to file such statement or failure or refusal to allow such deduction shall forfeit his right to participate in such fund; providing for vote of members of fire departments within thirty (30) days after the effective date of the Act upon the amount of salary to be deducted for this fund; making provision for pension payments to surviving members of the family of deceased firemen who have been retired because of disability; exempting said fund from seizure or levy by any execution, attachment, etc.; making retirement optional with firemen subject to approval of the board; providing for re-examination of persons retired for physical disability; providing for recall to duty after retirement; providing for discontinuing payment hereunder to persons convicted of a felony and for payment to dependents instead; making provision for time spent in armed forces of the nation during war or national emergency; providing all persons now being paid under similar statutes shall be included in this Act and the board created hereunder shall stand in place of any similar Board created by prior statute; making it the duty

of the city attorney to represent the board of trustees, without additional compensation, in all cases of appeal; providing for investment of surplus in Federal, State, county and municipal bonds; providing for recovery by the board of trustees by civil action of any moneys paid out through fraud, misrepresentations, etc.; providing for the proportionate reduction of allowance or disability benefits in case of insufficiency of funds; defining terms; providing a saving clause; fixing the effective date of the Act; and declaring an emergency."

H. B. No. 1021, A bill to be entitled "An Act authorizing the Board of Regents of the Texas State Teachers Colleges located at Commerce, Denton, Huntsville, San Marcos, Nacogdoches, Alpine, and Canyon to purchase insurance on non-fireproof buildings, including equipment, to insure against such hazards as the Board of Regents deem necessary, and to pay such premiums out of the local funds of the college; and declaring an emergency."

H. B. No. 1022, A bill to be entitled "An Act regulating the taking of bull frogs and disposition of same in El Paso, Hudspeth and Culberson Counties; providing a license for those propagating bull frogs on private property, and a license for those taking bull frogs; prohibiting the sale of bull frogs that originate in either of said counties with certain exceptions; providing a penalty for violation of this Act; and declaring an emergency."

H. B. No. 1023, A bill to be entitled "An Act exempting Truscott Independent School District of Knox County from county supervision, providing for a separate depository; and declaring an emergency."

H. B. No. 1026, A bill to be entitled "An Act conferring upon the Board of Regents of the Texas State Teachers Colleges the power of eminent domain to acquire land for the use of the colleges; exempting said Regents from depositing bond as provided in Section 2 of Article 3268, Revised Civil Statutes of Texas of 1925; and declaring an emergency."

H. B. No. 1029, A bill to be entitled "An Act authorizing and empowering the commissioners' court in counties having a population of more than three hundred and fifty thousand

(350,000) and less than four hundred and fifty thousand (450,000) inhabitants, according to the last preceding Federal census, to purchase fire trucks and other fire-fighting equipment for the protection and preservation of bridges, warehouses, shops, and other property located without the limits of any incorporated city or town; authorizing and empowering the commissioners' court to enter into contracts with any centrally located city in the county for the operation and maintenance of any such fire trucks and equipment; providing that the provisions of this Act are cumulative of all of the laws other than special laws; providing that in the event any Section, subdivision, paragraph, sentence, or clause be held unconstitutional, that the remaining portions thereof shall be valid; and declaring an emergency."

H. B. No. 316, A bill to be entitled "An Act providing for the payment of delinquent taxes to the assessor and collector of taxes of the respective counties of the State of Texas in equal installments at the option of the taxpayer, the first payment to be due within ninety (90) days after the effective date of the Act; requiring the tax assessor and collector to furnish the taxpayer with a statement of his delinquent taxes, whereupon the taxpayer shall declare the method which he will adopt in the payment of such delinquent taxes; providing the penalty and interest be calculated up to the date of the first installment payment, after which no additional penalties or interest shall be added on the unpaid portion; providing for the issuance by the tax assessor-collector of a receipt showing each installment payment and the balance due and for the crediting of such payment to the taxpayer's account on the delinquent tax roll. Providing for the apportionment of such taxes by the tax assessor-collector; providing that the provisions of this Act shall not apply to any political division whose taxes are not assessed and collected by the county tax assessor-collector; and providing the method whereby such political division or divisions may adopt the provisions of this Act; giving to delinquent taxpayers the benefit of any remission of penalties and interest by the Legislature; requiring the delinquent taxpayer to pay each year's de-

linquency in the chronological order; requiring the tax assessor-collector to advertise in a newspaper of general circulation the effective date of this Act and the method of payment of delinquent taxes; providing this Act shall not affect existing delinquent tax suits; repealing all conflicting laws; and declaring an emergency."

H. B. No. 511, A bill to be entitled "An Act amending Article 8306, Section 7, of the Revised Civil Statutes of Texas, 1925, as amended by Acts of the Forty-sixth Legislature of Texas, 1939, page 712, so as to provide for the furnishing of artificial appliances to injured claimants; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 528, A bill to be entitled "An Act providing for compensation for county auditor and purchasing agent in certain counties; providing mode and manner of payment of such salary; and declaring an emergency."

H. B. No. 622, A bill to be entitled "An Act amending Article 1115, Chapter 10, Title 28, Revised Civil Statutes of Texas, 1925, so as to provide for the appointment of a board of trustees by the city council of such towns consisting of not more than five (5) members, one of whom shall always be the mayor, at any time after certain encumbrances have been created; repealing all laws or parts of laws in conflict therewith; and declaring an emergency."

H. B. No. 689, A bill to be entitled "An Act amending H. B. No. 920, of the General and Special Laws of the Forty-third Regular Session of the Legislature, making it lawful to take fur bearing animals by trap in San Augustine and Sabine Counties."

H. B. No. 721, A bill to be entitled "An Act fixing limitations on revocations, countermands of payments and stop-payment orders relating to the payment of any check or draft against bank accounts; and declaring an emergency."

H. B. No. 750, A bill to be entitled "An Act amending Chapter 39, Acts of the Forty-fourth Legislature, by adding thereto Section 3, providing that the authority conferred on the court to alter, change, or supersede the provisions of judgments providing for the support of minor children, and the authority conferred upon the court to enforce such judgments may be

exercised by the judge of said court in vacation; and declaring an emergency."

H. B. No. 751, A bill to be entitled "An Act repealing H. B. No. 430, Acts of the Regular Session of the Forty-sixth Legislature, same being Article 7466f, Vernon's Civil Statutes of Texas; and declaring an emergency."

H. B. No. 806, A bill to be entitled "An Act fixing the term of office of school trustees of independent school districts, whether created under general law or by special act of the Legislature, having as many as six hundred two (602) and not more than six hundred seven (607) scholastics according to the 1940 official scholastic census and wherein there may be situated a city having a population of as many as one thousand seven hundred twenty-five (1,725) and not more than one thousand seven hundred thirty (1,730) according to the last preceding Federal Census; and having a board of seven (7) trustees; providing that in all such school districts trustees shall be voted upon and elected separately for positions and said board of trustees and prescribing a method whereby trustees in any such school districts within ten days from the effective date of this Act shall draw for positions on any such board of trustees in any such school district; providing the manner and method of electing trustees thereafter in any such district and for an official ballot for use in such trustee elections and the time within which and the manner in which a person desiring to become a candidate for election shall give notice of his or her candidacy as the case may be; further providing that in any such election no candidate shall be eligible to have his or her name placed on the official ballot for more than one position to be filled at any such election; further providing that at any such election each voter shall vote for only one candidate for each such position and that the candidate receiving the highest number of votes for each respective position voted upon at any such election shall be entitled to serve as trustee on said board, holding the position thereon to which he or she as the case may be shall have been so elected; providing for the manner and method of giving notice of elections for trustees in all independent school districts included within the terms of

this Act; further providing that all laws and parts of laws, both general and special, insofar only as they may be in conflict herewith, are repealed; and declaring an emergency."

H. B. No. 857, A bill to be entitled "An Act amending Article 3125, Revised Civil Statutes, 1925, as amended by Chapter 225, Acts of the Forty-third Legislature, to provide certain changes with respect to the canvass of election returns by the county executive committee; amending Articles 3126, 3128, 3129, 3130, 3131, 3146, 3147, 3148, 3150, Revised Civil Statutes, 1925, and Article 3153, Revised Civil Statutes, 1925, as amended by Chapter 241, Acts of the Forty-second Legislature, providing certain changes in the conduct of elections, for the determining of nominees, and for the prosecution of election contests; repealing Articles 3149 and 3151, Revised Civil Statutes, 1925, and repealing Article 3152, Revised Civil Statutes, 1925, as amended in Chapter 19, Acts of the Fortieth Legislature, as amended by Chapter 241, Acts of the Forty-second Legislature, and repealing all other laws or parts of laws in conflict with the provisions of this Act; and declaring an emergency."

H. B. No. 887, A bill to be entitled "An Act amending Sections 2, 5 and 10 of Chapter 506, Acts 1937, Forty-fifth Legislature, page 1494-a, as amended by H. B. No. 565, Section 1, Acts 1939, Forty-sixth Legislature; and declaring an emergency."

H. B. No. 890, A bill to be entitled "An Act empowering the commissioners' court to fix the salary of county officers in counties having a population of not less than twenty thousand, five hundred and seventy (20,570) and not more than twenty thousand, six hundred (20,600) according to the last preceding Federal Census; repealing all laws and parts of laws in conflict; and declaring an emergency."

H. B. No. 898, A bill to be entitled "An Act amending Article 122 of the Penal Code of the Revised Statutes of 1925; and declaring an emergency."

H. B. No. 938, A bill to be entitled "An Act to amend Article 2940, Revised Civil Statutes of Texas, so as to authorize school trustees, including rural school trustees, to act as

judge, clerk or supervisor of any election; and declaring an emergency."

H. B. No. 961, A bill to be entitled "An Act applicable to and controlling all counties of this State having a population of more than three hundred and ninety thousand (390,000) inhabitants and less than five hundred thousand (500,000) inhabitants according to the last preceding Federal Census; conferring upon the commissioners' court of such counties full power, authority and supervision of all public roads therein, other than State highways, and prescribing the rights, powers and duties of said court over such public roads; prescribing the powers and duties of each county commissioner and fixing the respective salaries; authorizing the appointment of certain standing committees from the membership of the commissioners' court and prescribing the powers and duties of such committees; authorizing the appointment of a county engineer, prescribing his duties, qualifications and salary; authorizing the purchase of automobiles for the use of the county commissioners and payment of all necessary traveling expenses of the county judge, county auditor and county commissioners; authorizing the appointment of a special counsel by the commissioners' court and prescribing his duties and qualifications; authorizing the commissioners' court to purchase or condemn property for the construction, maintenance and operation or in aid thereof of public roads, and prescribing rules and regulations and procedure by which such purchases or condemnation may be accomplished or effected; prescribing certain powers and duties of the county auditor; authorizing the commissioners' court in order to effectuate better drainage of any public road to require all drainage ditches or barrow pits along the right of way of any railroad, street car, interurban or public utility company to be emptied, drained or maintained in such a manner so as not to interfere with the easy and rapid flow of water, and prescribing the procedure by which such power may be exercised by the commissioners' court; abolishing road overseers and the payment of road taxes by labor; requiring all funds received or collected for road purposes to be credited to the road and bridge fund and budgeted according to law; authorizing the appointment

of a purchasing agent and prescribing his duties and salary; prescribing the mode, manner and method by which supplies, material, equipment and machinery may be purchased, and making it a misdemeanor and a violation of the law and affixing a penalty for a violation of the provisions relative thereto; authorizing the commissioners' court to use the labor of county convicts for the public roads; authorizing the issuance of bonds for road purposes and prescribing the mode, manner and method by which such bonds may be issued, and the election authorizing the issuance of same, and authorizing the levying of taxes to pay such bonds; prescribing the duties of the county treasurer relative to funds derived from the sale of such bonds; prescribing the mode, manner and method by which funds derived for road purposes or from the issuance or sale of bonds may be expended, and the mode, manner and method by which contracts for road improvements may be awarded; making it a violation of the law and a misdemeanor for members of the commissioners' court or any county officer to violate certain provisions of the Act and affixing a penalty; allocating all funds derived or received under any of the provisions of this Act to the road and bridge fund of the county; authorizing and specifying the funds of the county from which the expenditures authorized under this Act may be paid; defining certain terms used in the Act; declaring the construction to be placed upon this Act and requiring the counties to take cognizance thereof; making the provisions of the Act cumulative of general laws on the subject when not in conflict, and in event of conflict, making the provisions of this Act to control, and providing that nothing in the Act shall impair the right of the counties to issue bonds under the provisions of the Constitution and laws of this State; providing a savings clause and a repealing clause; and declaring an emergency."

H. B. No. 962, A bill to be entitled "An Act authorizing the board of directors of the Agricultural and Mechanical College of Texas, for the use and benefit of John Tarleton Agricultural College, to construct or acquire, and equip not more than two dormitories, or to construct and equip additions to not more than two

existing dormitories; authorizing and requiring said board to fix fees, rentals, and charges for the use of such dormitories and to make parietal rules concerning the same; authorizing the issuance of negotiable revenue bonds payable from and secured by revenues from such dormitories and of certain dormitories heretofore or hereafter constructed or acquired; authorizing the issuance of negotiable refunding bonds, and of refunding and construction bonds, secured by and payable from revenues as herein provided; providing that bonds authorized in this Act shall not constitute an indebtedness of the State of Texas, or said board of directors, or of said institution and that the holders of such revenue bonds shall never have the right to demand payment out of funds other than those pledged for their payment; authorizing under named restrictions use of a portion of the local funds to prevent or relieve a default or to create or maintain a reserve for such bonds; requiring approval of such bonds by the Attorney General, and prescribing the effect thereof; requiring registration by the Comptroller of Public Accounts; making this Act cumulative of other laws but giving precedence to the provisions of this Act; enacting other provisions relating to the subject hereof; and declaring an emergency."

H. B. No. 965, A bill to be entitled "An Act making it unlawful for any person, not a member of the Texas Defense Guard, to wear the shoulder patch, the arm brassard, or the collar ornaments duly prescribed as part of the uniform of said Defense Guard, or any imitation of said articles; also making it unlawful for any member of said Defense Guard to purchase or have in his possession such articles of uniform, or any imitation thereof, unless they are purchased through or on approval of the Adjutant General of Texas; also making it unlawful for any person to sell, offer for sale, dispose of, or purchase any such articles except when and as authorized under regulations prescribed by the Governor; also providing the punishment for offenses against such provisions; and declaring an emergency."

H. B. No. 967, A bill to be entitled "An Act authorizing the allowance of traveling expenses for members of the commissioners' court in certain

counties; and declaring an emergency."

H. B. No. 971, A bill to be entitled "An Act authorizing cities and towns eligible under the terms of this Act to fund certain indebtedness outstanding on the effective date of this Act; prescribing the method and procedure for issuance of funding or refunding bonds, and which cities or town cannot derive revenues for general fund operating expenses from any publicly owned utilities at this time; validating such outstanding indebtedness not in litigation at the time this Act becomes effective; providing that this Act shall not increase the debt burden of any such city or town; providing that this Act shall be cumulative of all other Acts, but that its provisions shall prevail in the event of conflict with other laws; enacting provisions incident to and relating to the subject; and declaring an emergency."

H. B. No. 973, A bill to be entitled "An Act authorizing the commissioners' court of any county in this State to call an election for the purpose of issuing bonds or warrants for the purpose of acquiring tracts of land and constructing buildings and improvements thereon for an agricultural experiment station; authorizing said commissioners' court to levy and collect a tax sufficient to pay the annual interest and to provide a sinking fund for the payment of the principal at maturity; providing that the election shall be held under provisions of Title 28, Chapter 1 and 2, Revised Civil Statutes of 1925; authorizing commissioners' court to lease any experiment station acquired under authority of this Act to the State of Texas or to any agency of the Federal government; and declaring an emergency."

H. B. No. 976, A bill to be entitled "An Act regulating the solemnization of marriages in this State, prohibiting any person from soliciting, within any courthouse, public building, or upon the grounds thereof, for the privilege of performing any marriage ceremony, providing for injunctive relief to prevent any such person from performing marriage ceremonies, providing a penalty; and declaring an emergency."

H. B. No. 981, A bill to be entitled "An Act permitting estates of deceased Texas citizens, and others be-

ing administered within its jurisdiction, to take advantage of savings in Federal income taxes, authorized under Section 162 of the Federal Internal Revenue Code, by providing that where the estate of a deceased person is being administered under the direction, control and orders of a county court in the exercise of its probate jurisdiction, upon the application of the executor or administrator of said estate, or any interested party, after notice thereof as provided for in Sections 6 and 7 of H. B. No. 112, Chapter 446 of the Forty-fourth Legislature, Second Called Session, 1935, relating to notices of applications filed under the provisions of said H. B. No. 112, and when it appears, from the evidence introduced at the hearing of said application, and the court finds that the reasonable market value of the assets of the estate then on hand, exclusive of the annual income therefrom, is at least twice the aggregate amount of all unpaid debts, administration expenses and legacies, and no creditors or legatees of the estate then appearing and objecting, the county court may order and direct the executor or administrator to pay to, or credit to the account of those persons who the court finds will own the assets of the estate, when the administration thereon is completed, and in the same proportions, such part of the annual net income received by or accruing to said estate, as the court may believe and find can be paid conveniently to, or credited to the account of, such owners, without prejudice to the rights of creditors, legatees, or other interested parties, and providing that nothing contained in said Act shall authorize the county court to order paid to, or credited to the account of, such owners of the estate any part of the corpus or principal thereof, and providing that, for the purposes of said Act, bonuses, rentals and royalties received for or from an oil, gas and mineral lease shall be treated and regarded as income and not corpus or principal; and declaring an emergency."

H. B. No. 988, A bill to be entitled "An Act to fix a maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city or town which, according to the latest preceding Federal census, had a population of not fewer than 680

and not more than 690 inhabitants, and being in counties containing not less than 4050 and not more than 4060 inhabitants, according to the last preceding Federal census, whether organized under a general or special law; repealing all laws conflicting herewith; and declaring an emergency."

H. B. No. 990, A bill to be entitled "An Act authorizing Gulf Coast counties in Texas having fifty thousand population or more to construct, acquire, improve, operate and maintain causeways, bridges, tunnels or any combination thereof, including related properties and ferries, and to issue their revenue bonds payable solely from the revenues to be derived from the operation of such projects, making various provisions with respect thereto and with respect to the security and enforcement of such bonds, including provision for the execution of trust indentures, for the appointment of receivers for such projects, and for the deposit and security of funds in banks and trust companies; providing for approval of such bonds by the Attorney General; authorizing such counties to exercise the rights of condemnation in the manner provided; authorizing such counties to enter into agreements with the State or Federal Governments or any agencies or instrumentalities thereof; granting to such counties easements and rights of way in and over State lands and properties; providing for the management and control of such projects; providing that such projects and bonds shall be exempt from taxation; providing that the powers herein granted may be exercised without the consent or regulation of any State Department, commission or agency; authorizing the State Highway Commission to operate, maintain or lease such projects; authorizing the refunding of such bonds; validating existing agreements; making general provisions with respect to the above; and declaring an emergency."

H. B. No. 991, A bill to be entitled "An Act making it unlawful for any person to shoot, take, trap, snare, or in any other manner kill or have in his possession any quail in Bee County, Texas, for a period of two (2) years, except as otherwise herein provided by the authorization of the Game, Fish and Oyster Commission; prescribing a penalty; re-

pealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 993, A bill to be entitled "An Act to amend Title 5, Article 176, of the Revised Civil Statutes of the State of Texas (1925) by adding a new Article to be designated as Article 176-A; providing that reports of alien ownership of land may be filed on or before the last day of December, 1941; and declaring an emergency."

H. B. No. 994, A bill to be entitled "An Act authorizing the county judges and county and district clerks to employ a stenographer or a secretary in any counties having a population of not less than two thousand, eight hundred twenty-five (2,825) and not more than two thousand nine hundred, (2,900) and in counties having not less than six thousand one hundred, (6,100) and not more than six thousand one hundred fifty (6,150) inhabitants according to the last preceding Federal census; regulating the salary of same; providing for payment of salary; providing for removal; and declaring an emergency."

H. B. No. 995, A bill to be entitled "An Act to declare a closed season on the killing of wild deer and wild turkey in Throckmorton, Shackelford and Haskell Counties for a period ending February 1, 1946; prescribing a penalty therefor; repealing H. B. No. 198 of the Forty-seventh Legislature; and declaring an emergency."

H. B. No. 997, A bill to be entitled "An Act appropriating One Thousand Dollars for the Commission of Appeals to the Court of Criminal Appeals; and declaring an emergency."

H. B. No. 998, A bill to be entitled "An Act authorizing the separation or divorcement of public schools from municipal control in municipal school districts entirely surrounded by a county line common school district, pursuant to an election to be held for that purpose; defining the terms 'municipal district' and the term 'governing body' of the city or town; prescribing the method of procedure precedent to calling such election; providing that such election shall be held as nearly as possible in compliance with law with reference to regular city elections, and prescribing qualifications of voters of such

election, prescribing form of ballot for such election; prescribing certain duties of the governing body of the city or town and board of education or trustees of the municipal district in respect to declaring the result of such election; providing that if the proposition is defeated, no election for that purpose shall be ordered until after the expiration of one year from date of such election; providing that except as herein defined or limited, such school districts, after separation from municipal control, shall have all the powers of common school districts, conferred by law; providing that nothing herein shall be construed as abrogating or repealing any existing bond tax; providing for the election of trustees of such school districts; providing that such school districts shall in all respects be subject to and conducted under laws regulating common school districts; providing that title to all school property shall immediately vest in the board of education or trustees or said common school districts; providing that all bonds and obligations of any such city or town, as a municipal school district, shall become obligations of debt for the common school district at the time of separation from municipal control, and it shall not be necessary to call an election for the assumption of such debt; providing that such newly created common school district may consolidate with a contiguous district when approved in separate elections and the district so annexed shall have representation on the board of trustees; providing that upon annexation each district shall remain liable on its bonds unless by separate election in each district the tax paying voters shall vote to assume proportionate parts of the bonds of each district; and declaring an emergency."

H. B. No. 1031, A bill to be entitled "An Act regulating fishing in Val Verde County; providing the gear or tackle that may be used; providing an open season; providing a bag or possession limit for different varieties of fish that may be taken; and providing a total bag or possession limit; providing the length of different varieties of fish that may be taken; excepting the Pecos River, the Rio Grande River, and San Felipe Creek from the provisions of this Act; providing a penalty for violating any

provisions of this Act; repealing conflicting laws; and declaring an emergency."

H. B. No. 1032, A bill to be entitled "An Act providing that candidates for nomination for State Representative in a primary election in certain counties shall be required to pay a fee not to exceed Thirty (\$30.00) Dollars to the county executive committee; repealing all laws in conflict; and declaring an emergency."

H. C. R. 141, Inviting Gene Autry to address a joint session of the Texas Legislature.

S. B. No. 470, A bill to be entitled "An Act amending Article X of H. B. No. 8, Acts Regular Session, Forty-seventh Legislature, so as to define the terms 'new,' 'cosmetics,' and 'playing cards;' and declaring an emergency."

With amendments.

S. B. No. 83, A bill to be entitled "An Act amending Article 3726, Revised Civil Statutes, 1925, as amended by House Bill No. 73, First Called Session, Fortieth Legislature, relating to the admission of recorded instruments without proof; providing that if the land to which the instrument pertains is situated within the county in which the suit is pending the party desiring to offer in evidence recorded instruments, may do so, without producing the originals thereof and without accounting for his failure to produce such originals, by filing a list of such recorded instruments at least ten days before the trial, giving the volume and page wherein such instruments are recorded; providing that unless an affidavit is filed by the opposite party at least three days before the trial, stating that he believes such instruments of writing to be forged, then the party filing such lists of recorded instruments shall be entitled to read the same from the record; providing that a copy of a list of such recorded instruments shall be filed with the clerk of the county court at least three days before the trial of a case; providing that the county clerk shall on the day of the trial deliver, or cause to be delivered, the records so requested to the court in which the trial is pending, without charging for the use of such records; and declaring an emergency."

H. B. No. 515, A bill to be entitled "An Act applicable to the County of Tom Green, State of Texas, prohibiting the transportation of minnows

beyond the borders of said county for the purpose of sale; limiting the number of minnows to be transported beyond the limits of said county; prohibiting the use of trotlines or throwlines containing more than twenty-five (25) hooks; limiting the use of such lines to a maximum of two such lines to any person or group of persons; providing for a closed season on fishing in said county; with certain exceptions; providing legal length of catfish in said county; providing the daily bag limit of catfish; providing penalties for any violation of this Act; and declaring an emergency."

H. C. R. No. 142, Suspending Joint Rules so that the House of Representatives may bring up for third reading and final passage H. B. No. 42.

H. C. R. No. 144, Granting each House the right to adjourn from Thursday, May 15th until Monday, May 19th.

H. C. R. No. 146, Authorizing the Enrolling Clerk of the House to amend the caption of H. B. No. 411.

The House has refused to concur in Senate amendments to H. B. No. 284 and requests the appointment of a Conference Committee to adjust the differences between the two Houses. The following are appointed on the part of the House: Alsup, Morris, Lock, Bullock and Lucas.

The House has refused to concur in Senate amendments to H. B. No. 272 and requests the appointment of a Conference Committee to adjust the differences between the two Houses. The following are appointed on the part of the House: Reed of Dallas, McDonald, Skiles, Cleveland and Halsey.

The House has refused to concur in Senate amendments to H. B. No. 233 and requests the appointment of a Conference Committee to adjust the differences between the two Houses. The following are appointed on the part of the House: Alsup, Morris, Lock, Bullock, and Allison.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

House Bills on First Reading

The following House bills previously received from the House were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 689, to Committee on Game and Fish.

H. B. No. 942, to Committee on Oil, Gas and Conservation.

H. B. No. 965, to Committee on Military Affairs.

H. B. No. 962, to Committee on State Affairs.

H. B. No. 991, to Committee on Game and Fish.

H. B. No. 995, to Committee on Game and Fish.

H. B. No. 1007, to Committee on Game and Fish.

H. B. No. 1015, to Committee on Game and Fish.

H. B. No. 1022, to Committee on Game and Fish.

H. B. No. 1031, to Committee on Game and Fish.

H. B. No. 1010, to Committee on Judicial Districts.

House Bill 332 on Second Reading

On motion of Senator Lovelady and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 332 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 332, A bill to be entitled "An Act to amend Articles 120, 121, 127, 128, 133, 134 and 135 and to repeal Articles 122, 123, 124, 125 and 126 of Chapter Seven, Title Four of the Revised Civil Statutes of Texas, 1925, said Article 120, as hereby amended, to include the contagious disease known as yellows; the contagious disease known as 'peach mosaic'; the contagious disease known as 'phony peach' and other contagious diseases and other injurious insect pests, and including and naming certain trees and/or plants susceptible to such contagious diseases and/or injurious insect pests; said Article 121, as hereby amended, to include all provisions for determination of nuisances; etc.; provides a saving clause and declares an emergency."

The bill was read second time and was passed to third reading.

House Bill 332 on Third Reading

Senator Lovelady moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 332 be

placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Stone
Graves	Sulak
Hazlewood	Van Zandt
Isbell	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	

Absent—Excused

Hill	Smith
Metcalf	Spears
Shivers	York

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Concurrent Resolution 58

On motion of Senator Lovelady and by unanimous consent, the regular order of business was suspended, to permit consideration of S. C. R. No. 58 at this time.

The President Pro Tempore laid before the Senate for consideration at this time:

S. C. R. No. 58, Authorizing Mrs. Mary Lou Kirk to sue the State.

The resolution was read and was adopted.

House Bill 939 on Second Reading

On motion of Senator Mauritz and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 939 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 939, A bill to be entitled "An Act validating and approving all acts of the governing bodies of cities and towns of the State of Texas operating under the provisions of the General Laws of Texas and having a population of more than five thousand (5,000) in the issu-

ance and sale of bonds, to aid in financing certain public improvements for which a loan or grant has been made by any agent or agency of the United States government, including election orders, notices of elections, returns of elections, and orders canvassing election returns, including among others, instances wherein there have been irregularities in the giving of notice of elections, notwithstanding the fact that the notice of election was not published on the same day in each of two successive weeks; validating such bonds and the tax levies made for the payment of such bonds; providing the provisions hereof shall not apply to any such proceedings or obligations the validity of which has been contested in any pending suit or litigation; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 939 on Third Reading

Senator Mauritz moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 939 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Stone
Graves	Sulak
Hazlewood	Van Zandt
Isbell	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	

Absent—Excused

Hill	Smith
Metcalfe	Spears
Shivers	York

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Brownlee
Beck	Chadick

Cotten	Mauritz
Fain	Moffett
Formby	Moore
Graves	Ramsey
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	

Absent—Excused

Hill	Smith
Metcalfe	Spears
Shivers	York

House Bill 378 on Second Reading

On motion of Senator Sulak and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 378 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 378, A bill to be entitled "An Act making appropriations to pay the Presidential electors of Texas, providing how it shall be made; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 378 on Third Reading

Senator Sulak moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 378 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Stone
Graves	Sulak
Hazlewood	Van Zandt
Isbell	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	

Absent—Excused

Hill	Smith
Metcalfe	Spears
Shivers	York

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Stone
Graves	Sulak
Hazlewood	Van Zandt
Isbell	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	

Absent—Excused

Hill	Smith
Metcalfe	Spears
Shivers	York

House Bill 263 on Second Reading

On motion of Senator Van Zandt and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 263 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 263, A bill to be entitled "An Act to amend Article 4742 of Chapter 3, of Title 78, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 263 on Third Reading

Senator Van Zandt moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 263 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Hazlewood
Beck	Isbell
Brownlee	Kelley
Chadick	Lanning
Cotten	Lemens
Fain	Lovelady
Formby	Martin
Graves	Mauritz

Moffett
Moore
Ramsey
Stone
Sulak

Van Zandt
Vick
Weinert
Winfield

Absent—Excused

Hill	Smith
Metcalfe	Spears
Shivers	York

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Stone
Graves	Sulak
Hazlewood	Van Zandt
Isbell	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	

Absent—Excused

Hill	Smith
Metcalfe	Spears
Shivers	York

House Concurrent Resolution 146

The President Pro Tempore laid before the Senate and had read (the resolution having been received from the House today):

H. C. R. No. 146, Authorizing correction in caption of enrolled copy of H. B. No. 411.

On motion of Senator Mauritz, and by unanimous consent, the resolution was considered and adopted at this time.

House Concurrent Resolution 144

The President Pro Tempore laid before the Senate and had read (the resolution having been received from the House today):

H. C. R. No. 144, Authorizing the House and Senate to adjourn from Thursday May 15, 1941, to Monday May 19, 1941.

The resolution was adopted.

Signing of Bills and Resolution

The President Pro Tempore signed in the presence of the Senate, after their captions had been read, the following enrolled bills and resolution:

H. B. No. 25, A bill to be entitled "An Act amending Chapter 277, Acts of the Regular Session of the Forty-second Legislature, as heretofore amended, by adding Sections 1a and 1b hereto; excepting from the definition of 'Motor Carrier' and 'Contract Carrier' certain persons, firms and corporations; exempting certain persons, firms and corporations transporting under certain circumstances and conditions their own employees, property or property in which they have an interest as consignee or agent; defining a private motor vehicle owner; exempting private motor vehicle owners from said Act; providing for the repeal of all laws and parts of laws in conflict with this Act; providing that if any Section, clause or provisions of this Act be held unconstitutional or invalid, it shall not affect the remaining portions; and declaring an emergency."

H. B. No. 123, A bill to be entitled "An Act providing for the revision and compilation of the abstracts of patented, titled and surveyed land by the Commissioner of the General Land Office; making an appropriation for the printing and binding of same; providing for the distribution and sale of same by the Comptroller of Public Accounts; providing such binding and printing is to be done within this State; providing the Act shall not affect laws pertaining to preparation, printing, and distribution of supplementary abstract volumes; and declaring an emergency."

H. B. No. 202, A bill to be entitled "An Act amending Article 3148, Revised Civil Statutes of Texas, 1925, so as to provide for the service of notice in a primary election contest upon the opposing candidate, by providing that such notice may be served upon the agent or attorney of the opposing candidate, or by leaving the notice with some person over the age of sixteen (16) years at the usual place of residence or business of the opposing candidate; and declaring an emergency."

H. B. No. 203, A bill to be entitled "An Act to provide for the service upon the contestee in a primary nomination contest of a copy of the

grounds of contest together with the notice of the date set for hearing by providing that service may be had upon the agent or attorney of the contestee, or by leaving such notice with some person over the age of sixteen (16) years at the usual place of residence or business of the contestee; and declaring an emergency."

H. B. No. 251, A bill to be entitled "An Act making an appropriation for the use of the San Antonio River Canal and Conservancy District; providing manner for signing warrants; providing that any unexpended balance on August 31, 1943, be repaid to the State of Texas; and declaring an emergency."

H. B. No. 392, A bill to be entitled "An Act making an emergency supplemental appropriation for the sum of Seven Thousand, Three Hundred and Seventy-five (\$7,375.00) Dollars for certain divisions of the State Department of Education; and declaring an emergency."

H. B. No. 866, A bill to be entitled "An Act making an appropriation out of the State Highway Fund for refunding donations made for the purpose of making surveys and investigation on Highway No. 22, and which work was never accomplished; and declaring an emergency."

H. C. R. No. 139, Granting the House of Representatives permission to consider H. B. No. 228 on Thursday, May 15, 1941.

Reports of Standing Committees

Senator Aikin, by unanimous consent, submitted at this time the following reports:

Senate Chamber,
Austin, Texas,
May 15, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 549, A bill to be entitled "An Act making specific appropriation out of the General Fund of the State of Texas, not otherwise appropriated, to pay a judgment obtained by W. S. Hale and wife against the State of Texas under the authority of S. B. No. 197, Chapter 72, Special Laws of the Regular Session of the Forty-second Legislature, authorizing

the said W. S. Hale and wife to sue the State of Texas for the recovery of damages resulting from overflow of their lands arising out of the construction of temporary dumps or roadbeds by the State through its Highway Department; directing the Comptroller of the State of Texas to issue warrant on the State Treasury in favor of W. S. Hale and wife in the sum of the judgment rendered by the Supreme Court of Texas in the suit of W. S. Hale and wife against the State of Texas brought under the authority of S. B. No. 197; and declaring an emergency."

Have had the same under consideration and we desire to report it back to the Senate with recommendation that it do pass and be not printed.

AIKIN, Chairman.

Senate Chamber,
Austin, Texas,
May 15, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 118, A bill to be entitled "An Act making an appropriation of Three Thousand Two Hundred Fifty (\$3,250.00) Dollars, or so much thereof as may be necessary to pay a certain final judgment rendered in Cause No. 53,909, in the 126th District Court of Travis County, Texas, wherein Caledonia Steel Company is plaintiff and the State of Texas and the State Highway Commission are defendants, rendered on the 28th day of November, A. D. 1938, in favor of said plaintiff, Caledonia Steel Company, against the said defendants, the State of Texas and the State Highway Commission, for the principal sum and face amount of Two Thousand Six Hundred Seventy-five and 10/100 (\$2,675.10) Dollars, with interest from date of said judgment, the 28th day of November, A. D. 1938, at the rate of six (6%) per cent per annum until paid and all cost of suit, amounting to the sum of Sixteen and 30/100 (\$16.30) Dollars, payable out of the State Highway Funds, either for the current biennial or any other State Highway Funds, and being so appropriated out of said funds, so much of said funds not otherwise specifically appropriated as may be necessary to pay the sum

claimed aforesaid, the said judgment being now a valid judgment obligation of record of the State of Texas and the State Highway Commission; and declaring an emergency."

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommended that it do pass and be not printed.

AIKIN, Chairman.

Senate Chamber,
Austin, Texas,
May 15, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 115, A bill to be entitled "An Act making an appropriation of an amount necessary to pay the claim of the American National Bank, of Austin, Texas, a corporation, the sum of Eight Thousand Eight Hundred Sixty-one and 62/100 (\$8,861.62) Dollars, so appropriated and to be paid out of the State Treasury not otherwise appropriated to reimburse said bank for moneys advanced for the construction of the Auditorium Building at Agricultural and Mechanical College of Texas, said building having been authorized by the Acts of the Thirty-fourth Legislature, First Called Session, 1915, page 104, and said sum being a part of the unexpended balance of said appropriation, this claim having been approved and allowed by the Forty-fifth Legislature in the Acts of 1937, page 919, appearing as an item in the Miscellaneous Claims Appropriation Bill passed at that session of the Legislature, Chapter 404, et seq., page 905 in the item appearing on page 915, said claim having been adjudicated to be a valid and subsisting claim against the State of Texas by a final judgment of the Honorable District Court of Travis County, Texas, for the 98th Judicial District of Texas in a final judgment entered therein on the 14th day of December, A. D. 1938; and declaring an emergency."

Have had the same under consideration and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

Senator Ramsey, by unanimous consent, submitted at this time the following report:

Austin, Texas,
May 15, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 1010, A bill to be entitled "An Act amending Section 1 of H. B. No. 313, Acts of the Fortieth Legislature, 1927, to change and prescribe the time for holding the terms of district courts in the 47th judicial district; and providing for an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Message from the Governor

The President Pro Tempore laid before the Senate, and had read, the following message:

Austin, Texas,
May 15, 1941.

To the Senate of the Forty-seventh Legislature:

In accordance with S. C. R. No. 42, by Chadick, I am returning to you S. B. No. 292, for correction.

Respectfully submitted,
W. LEE O'DANIEL,
Governor of Texas.

House Bills on First Reading

The following House bills, previously received from the House, were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 1016, to Committee on Education.

H. B. No. 1020, to Committee on State Affairs.

H. B. No. 1023, to Committee on Towns and City Corporations.

H. B. No. 938, to Committee on Privileges and Elections.

H. B. No. 988, to Committee on Education.

H. B. No. 994, to Committee on Counties and County Boundaries.

H. B. No. 511, to Committee on Insurance.

H. B. No. 961, to Committee on Highways and Motor Traffic.

H. B. No. 997, to Committee on Finance.

H. B. No. 998, to Committee on Education.

H. B. No. 1000, to Committee on Education.

H. B. No. 1008, to Committee on Counties and County Boundaries.

H. B. No. 1001, to Committee on Education.

H. B. No. 721, to Committee on Banking.

H. B. No. 1003, to Committee on Counties and County Boundaries.

H. B. No. 1004, to Committee on Highways and Motor Traffic.

H. B. No. 981, to Committee on Civil Jurisprudence.

H. B. No. 993, to Committee on Civil Jurisprudence.

H. B. No. 971, to Committee on Civil Jurisprudence.

H. B. No. 528, to Committee on Counties and County Boundaries.

H. B. No. 976, to Committee on Civil Jurisprudence.

H. B. No. 1013, to Committee on State Affairs.

H. B. No. 887, to Committee on Civil Jurisprudence.

H. B. No. 750, to Committee on Civil Jurisprudence.

H. B. No. 316, to Committee on State Affairs.

H. B. No. 1021, to Committee on Finance.

H. B. No. 967, to Committee on Counties and County Boundaries.

H. B. No. 1012, to Committee on Civil Jurisprudence.

H. B. No. 1018, to Committee on Finance.

H. B. No. 1026, to Committee on Civil Jurisprudence.

H. B. No. 1014, to Committee on Civil Jurisprudence.

H. B. No. 973, to Committee on Civil Jurisprudence.

H. B. No. 622, to Committee on Civil Jurisprudence.

H. B. No. 1032, to Committee on Privileges and Elections.

H. B. No. 990, to Committee on Counties and County Boundaries.

H. B. No. 1029, to Committee on Counties and County Boundaries.

H. B. No. 751, to Committee on State Affairs.

H. B. No. 890, to Committee on Counties and County Boundaries.

H. B. No. 857, to Committee on Privileges and Elections.

H. B. No. 806, to Committee on Education.

H. B. No. 898, to Committee on Public Health.

H. B. No. 515, to Committee on Game and Fish.

H. B. No. 999, to Committee on Game and Fish.

Reports of Standing Committees

Senator Isbell, by unanimous consent, submitted at this time the following report:

Committee Room,
Austin, Texas,
May 14, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 1023, A bill to be entitled "An Act exempting Truscott Independent School District of Knox County from county supervision; providing for a separate depository; and declaring an emergency."

Have had the same under consideration, and am instructed to send it back to the Senate with the recommendation that it do pass and be not printed.

ISEBELL, Vice Chairman.

Senator Weinert, by unanimous consent, submitted at this time the following report:

Committee Room,
Austin, Texas,
May 15, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 999, A bill to be entitled "An Act declaring it unlawful for any person to kill, take, or have in his possession for purpose of sale in Nacogdoches and Houston Counties any wild fox or the pelts thereof, except when wild fox are in the act of destroying domestic fowl or stock; providing that this law shall be enforced for a period of two (2) years; prescribing a penalty for the

violation of this Act; repealing all laws in conflict; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Vice Chairman.

Austin, Texas,
May 15, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 1031, A bill to be entitled "An Act regulating fishing in Val Verde County; providing the gear or tackle that may be used; etc.; and declaring an emergency."

Have had the same under consideration and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Vice Chairman.

Austin, Texas,
May 15, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 1022, A bill to be entitled "An Act regulating the taking of bull frogs and disposition of same in El Paso, Hudspeth, and Culberson Counties; etc.; and declaring an emergency."

Have had the same under consideration and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Vice Chairman.

Austin, Texas,
May 15, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 1007, A bill to be entitled "An Act making it unlawful to kill quail in Roberts County, Texas; providing the Act shall be in force for a period of five (5) years; repealing all laws in conflict; providing a penalty for the violation of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Vice Chairman.

Austin, Texas,
May 15, 1941.

Hon. Coke R. Stevenson, President
of the Senate.

Sir: We, your Committee on Game
and Fish, to whom was referred

H. B. No. 1015, A bill to be entitled
"An Act making it unlawful to hunt,
kill, or pursue any wild deer, turkey,
or antelope in Collingsworth County,
Texas; and declaring an emergency."

Have had the same under consid-
eration, and I am instructed to re-
port it back to the Senate with the
recommendation that it do pass and
be not printed.

WEINERT, Vice Chairman.

Senator Aikin, by unanimous con-
sent, submitted at this time the fol-
lowing reports:

Austin, Texas,
May 15th, 1941.

Hon. Coke R. Stevenson, President
of the Senate.

Sir: We, your Committee on Fi-
nance, to whom was referred

S. B. No. 141, A bill to be entitled
"An Act making a specific appro-
priation out of the General Revenue
Fund of the State of Texas not oth-
erwise appropriated, to pay a judg-
ment obtained by National Biscuit
Company against the State of Texas
pursuant to resolution granted by
the State of Texas to the said Na-
tional Biscuit Company authorizing
it to sue the State of Texas for the
recovery of filing fees and franchise
taxes paid to the Secretary of the
State of Texas, which filing fees and
franchise taxes the courts of the
State of Texas held to have been
illegally collected; and, providing
further that the Comptroller of the
State of Texas be directed to issue
a warrant to pay said judgment to
the party herein named in payment
of the same in the amount specified
herein; and declaring an emergency."

Have had the same under consid-
eration, and I am instructed to re-
port same back to the Senate with
the recommendation that it do pass
and be not printed.

AIKIN, Chairman.

Austin, Texas,
May 15, 1941.

Hon. Coke R. Stevenson, President
of the Senate.

Sir: We, your Committee on Fi-
nance, to whom was referred

H. B. No. 3, A bill to be entitled
"An Act making a specific appro-

priation out of the General Revenue
Fund of the State of Texas, not
otherwise appropriated, to pay a
judgment obtained by Trinity Port-
land Cement Company against the
State of Texas pursuant to resolution
granted by the State of Texas to
the said Trinity Portland Cement
Company, authorizing it to sue the
State of Texas for the recovery of
filing fees and franchise taxes paid
to the Secretary of the State of
Texas, which filing fees and fran-
chise taxes the Courts of the State
of Texas held to have been illegally
collected; and, providing further
that the Comptroller of the State of
Texas be directed to issue warrant
to pay said judgment to the party
herein named in payment of the same
in the amount specified herein; and
declaring an emergency."

Have had the same under consid-
eration, and I am instructed to re-
port same back to the Senate with
the recommendation that it do pass
and be not printed.

AIKIN, Chairman.

Senator Ramsey, by unanimous
consent, submitted at this time the
following reports:

Austin, Texas,
May 14, 1941.

Hon. Coke R. Stevenson, President
of the Senate.

Sir: We, your Committee on
Counties and County Boundaries, to
whom was referred

H. B. No. 994, A bill to be entitled
"An Act authorizing the county
judges and county and district clerks
to employ a stenographer or a sec-
retary in any counties having a pop-
ulation of not less than two thou-
sand, eight hundred twenty-five
(2,825) and not more than two thou-
sand nine hundred (2,900) and in
counties having not less than six
thousand one hundred (6,100) and
not more than six thousand one hun-
dred fifty (6,150) inhabitants accord-
ing to the last preceding Federal Cen-
sus; etc.; and declaring an emer-
gency."

Have had the same under consid-
eration and beg leave to report it
back to the Senate with the recom-
mendation that it do pass and be
not printed.

RAMSEY, Chairman.

Austin, Texas,
May 15, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 1008, A bill to be entitled "An Act relating to the payment to the county judges in counties of not less than seven thousand and fifty (7,050) and not more than seven thousand and seventy-five (7,075) population, according to the last preceding Federal census, a compensation for the services of such county judges as budget officers of the counties; providing for the payment of such compensation out of the general fund and/or officers' salary fund of such counties in addition to any and all compensation now provided by law to be paid such county judges; repealing all laws or parts of laws, Special and General, in conflict or inconsistent with the provisions of this Act; providing effective date of this Act; and declaring an emergency."

Have had the same under consideration and we wish to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Committee Room,
Austin, Texas,
May 15, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 990, A bill to be entitled "An Act authorizing Gulf Coast counties in Texas having fifty thousand (50,000) population or more to construct, acquire, improve, operate, and maintain causeways, bridges, tunnels, or any combination thereof, including related properties and ferries, and to issue their revenue bonds payable solely from the revenues to be derived from the operation of such projects; making various provisions with respect thereto and with respect to the security and enforcement of such bonds, including provision for the execution of trust indentures, for the appointment of receivers for such projects, and for the deposit and

security of funds in banks and trust companies; providing for approval of such bonds by the Attorney General; authorizing such counties to exercise the rights of condemnation in the manner provided; authorizing such counties to enter into agreements with the State or Federal governments or any agencies or instrumentalities thereof; granting to such counties easements and rights of way in and over State lands and properties; providing for the management and control of such projects; providing that such projects and bonds shall be exempt from taxation; providing that the powers herein granted may be exercised without the consent or regulation of any State department, commission, or agency; authorizing the State Highway Commission to operate, maintain, or lease such projects; authorizing the refunding of such bonds; validating existing agreements; making general provisions with respect to the above; and declaring an emergency."

Have had the same under consideration and we wish to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

House Joint Resolution 2

The Senate resumed consideration of pending business, same being H. J. R. No. 2, relating to allocation of tax levies by counties, on its passage to third reading, with amendment by Senator Moffett pending.

The amendment was lost by the following vote:

Yeas—9

Brownlee	Lemens
Cotten	Lovelady
Hazlewood	Moffett
Kelley	Vick
Lanning	

Nays—15

Aikin	Moore
Beck	Ramsey
Chadick	Stone
Fain	Sulak
Formby	Van Zandt
Graves	Weinert
Isbell	Winfield
Mauritz	

Absent

Martin

Absent—Excused

Hill
Metcalf
ShiversSmith
Spears
York

House Bill 549 on Second Reading

On motion of Senator Vick and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 549 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 549, A bill to be entitled "An Act making specific appropriation out of the General Fund of the State of Texas, not otherwise appropriated, to pay a judgment obtained by W. S. Hale and wife, against the State of Texas, under the authority of S. B. No. 197, Chapter 72, Special Laws of the Regular Session of the Forty-second Legislature, authorizing the said W. S. Hale and wife to sue the State of Texas for the recovery of damages resulting from overflow of their lands arising out of the construction of temporary dumps or roadbeds by the State through its highway department; directing the Comptroller of the State of Texas to issue warrant on the State Treasury in favor of W. S. Hale and wife, in the sum of the judgment rendered by the Supreme Court of Texas in the suit of W. S. Hale and wife against the State of Texas brought under the authority of S. B. No. 197; and declaring an emergency."

The bill was read second time.

Senator Vick offered the following amendment to the bill:

Amend caption to H. B. No. 549, lines one and two, by striking out the words "General Fund of the State of Texas," and inserting in lieu thereof the words as follows:

"State Highway Fund in the State Treasury not otherwise appropriated."

The amendment was adopted.

The bill was passed to third reading.

House Bill 549 on Third Reading

Senator Vick moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 549 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Brownlee	Lovelady
Chadick	Mauritz
Cotten	Moffett
Fain	Moore
Formby	Ramsey
Graves	Stone
Hazlewood	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield

Nays—2

Aikin	Beck
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Absent

Martin

Absent—Excused

Hill	Smith
Metcalf	Spears
Shivers	York

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—21

Brownlee	Mauritz
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Stone
Graves	Sulak
Hazlewood	Van Zandt
Isbell	Vick
Kelley	Weinert
Lanning	Winfield
Lovelady	

Nays—2

Aikin	Beck
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Present—Not Voting

Lemens

Absent

Martin

Absent—Excused

Hill	Smith
Metcalf	Spears
Shivers	York

House Bill 262 on Second Reading

On motion of Senator Sulak and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 262 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 262, A bill to be entitled "An Act authorizing the commissioners' court in all counties of this State to provide fire protection and fire fighting equipment for the citizens of the county outside of any city, town or village therein, either by the purchase and maintenance by the county of the necessary equipment, or by entering into contracts with the governing body of cities, towns or villages located within the county for the use of the fire fighting equipment of the city, town or village; providing that the operation of any fire fighting equipment outside the city limits of any city, town or village, pursuant to contracts with the commissioners' court of the county, shall be considered as operations of the county, and all persons engaged in such operations, notwithstanding they may be employees of a city, town or village, shall be considered as agents for the county in all respects; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 262 on Third Reading

Senator Sulak moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 262 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Graves
Beck	Hazlewood
Brownlee	Isbell
Chadick	Kelley
Cotten	Lanning
Fain	Lemens
Formby	Lovelady

Martin	Sulak
Mauritz	Van Zandt
Moffett	Vick
Moore	Weinert
Ramsey	Winfield
Stone	

Absent—Excused

Hill	Smith
Metcalf	Spears
Shivers	York

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

(President in the Chair.)

Conference Committees on Senate Bill 423

Senator Aikin called S. B. No. 423 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate.

Question—Shall the Senate concur in the House amendments?

Senator Aikin moved that the Senate do not concur in the House amendments and that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Aikin, Weinert, Winfield, York and Lemens.

Senator Moore asked unanimous consent of the Senate that Senator Shivers be permitted on the next legislative day to make a motion to instruct the conferees on the bill.

There was no objection offered.

Conference Committee on House Bill 233

Senator Aikin called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 233.

Senator Aikin moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Aikin, Van Zandt, Metcalfe, Lovelady and Formby.

Conference Committee on House Bill 284

Senator Aikin called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 284.

Senator Aikin moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Aikin, Van Zandt, Lovelady, Metcalfe and Formby.

Conference Committee on House Bill 272

Senator Aikin called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 272.

Senator Aikin moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Aikin, Lanning, Brownlee, Weinert and Isbell.

Conference Committee on House Bill 238

In accordance with the action of the Senate previously taken in granting the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 238, the President appointed the following conferees on the bill on the part of the Senate: Senators Shivers, Van Zandt, Metcalfe, Ramsey and Kelley.

(President Pro Tempore in the Chair.)

House Concurrent Resolution 142

The President Pro Tempore laid before the Senate and had read:

H. C. R. No. 142, Suspending the joint rules to permit consideration of H. B. No. 42 in the House today.

By unanimous consent, the resolution was considered immediately and was adopted.

House Bill 506 on Second Reading

On motion of Senator Winfield and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 506 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 506, A bill to be entitled "An Act amending Section 12, Chapter 271, Acts of the Regular Session of the Forty-second Legislature [relating to renewal of prospectors' premits after discovery of 'pay' ore on State lands]; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 506 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 506 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Stone
Graves	Sulak
Hazlewood	Van Zandt
Isbell	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	

Absent—Excused

Hill	Smith
Metcalfe	Spears
Shivers	York

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Stone
Graves	Sulak
Hazlewood	Van Zandt
Isbell	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	

Absent—Excused

Hill	Smith
Metcalfe	Spears
Shivers	York

House Joint Resolution 2

The Senate resumed consideration of H. J. R. No. 2, relating to allocation by counties of tax levies, on its passage to third reading.

Senator Beck offered the following amendment to the resolution:

Amend H. J. R. No. 2, Section 1, by striking out on page 2 the following words in lines 6, 7, 8, and 9, to-wit: "until the same again shall have been changed by a majority vote of the qualified voters of such county after submission by the commissioners' court at a general or special election for that purpose." And inserting in lieu thereof the following: "for a period of four (4) years thereafter and at the end of such four (4) year period such levies shall again be limited as in the manner first provided in this Section the same as though no election had been held; provided further that within such four (4) year period an election may be held for other or different allocations of such levies."

The amendment was adopted.

The resolution then was passed to third reading by the following vote:

Yeas—12

Aikin	Kelley
Beck	Lemens
Chadick	Ramsey
Fain	Stone
Formby	Sulak
Graves	Van Zandt

Nays—11

Brownlee	Mauritz
Cotten	Moffett
Hazlewood	Moore
Isbell	Weinert
Lanning	Winfield
Lovelady	

Absent

Martin	Vick
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Absent—Excused

Hill	Smith
Metcalfe	Spears
Shivers	York

House Bill 828 on Second Reading

On motion of Senator Fain and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 828 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 828, A bill to be entitled "An Act amending Sections 3, 5, 6, 7 and 9 of Chapter 426, Acts of the Regular Session of the Forty-fifth Legislature, relative to the powers of the San Jacinto River Conservation and Reclamation District; etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 828 on Third Reading

Senator Fain moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 828 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Beck	Lovelady
Brownlee	Martin
Chadick	Mauritz
Cotten	Moffett
Fain	Moore
Formby	Ramsey
Graves	Stone
Hazlewood	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield

Nays—1

Aikin

Absent—Excused

Hill	Smith
Metcalfe	Spears
Shivers	York

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23

Beck	Lovelady
Brownlee	Mauritz
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Stone
Graves	Sulak
Hazlewood	Van Zandt
Isbell	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	

Nays—1

Aikin

Absent

Martin

Absent—Excused

Hill	Smith
Metcalfe	Spears
Shivers	York

House Concurrent Resolution 141

The President Pro Tempore laid before the Senate and had read (the resolution having been received from the House today):

H. C. R. No. 141, Inviting Gene Autrey to address a joint session of the Legislature on May 30, 1941.

By unanimous consent, the resolution was considered at this time and was adopted.

Senate Resolution 140

Senator Fain, by unanimous consent offered the following resolution:

Whereas, The Hon. J. Robert Liles, a distinguished East Texas Attorney, and well known civic leader, is in the halls of the Capitol; and

Whereas, Mr. Liles is the former president of the Junior Bar Association of Texas; and a lay leader of the Episcopal church; now, therefore, be it

Resolved, That he be granted the privileges of the Senate floor for this day.

By unanimous consent, the resolution was considered immediately and was adopted.

House Bill 751 Re-referred

On motion of Senator Moore and by unanimous consent, H. B. No. 751 was re-referred from the Committee on State Affairs to the Committee on Civil Jurisprudence.

House Bill 962 Re-referred

On motion of Senator Lovelady and by unanimous consent, H. B. No. 962 was re-referred from the Committee on State Affairs to the Committee on Civil Jurisprudence.

Recess

Senator Weinert moved that the Senate recess to 10:00 o'clock a. m. tomorrow.

Senator Winfield moved that the Senate recess to 10:00 o'clock a. m., Monday, May 19, 1941.

Question first recurring on the motion of Senator Winfield, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—7

Cotten	Lemens
Formby	Stone
Hazlewood	Winfield
Isbell	

Nays—17

Aikin	Mauritz
Beck	Moffett
Brownlee	Moore
Chadick	Ramsey
Fain	Sulak
Graves	Van Zandt
Kelley	Vick
Lanning	Weinert
Lovelady	

Absent

Martin

Absent—Excused

Hill	Smith
Metcalfe	Spears
Shivers	York

The motion of Senator Weinert prevailed, and the Senate, accordingly, at 4:40 o'clock p. m., took recess until 10:00 o'clock a. m. tomorrow.